

## **REMARKS**

In response to the Notice of Non-Compliant Amendment, Applicants respectfully request entry of the following remarks and provisional election. Claims 1-119 have been canceled without prejudice or disclaimer. Claims 120-199 are currently pending in this application. Applicants have withdrawn claims 144-197 and 199 without prejudice or disclaimer. Applicants reserve the right to file one or more divisional, continuation, or continuation-in-part applications directed to withdrawn or non-elected subject matter disclosed in the application as originally filed. No new matter has been added by any of the amendments to the claims.

### **I. Response to Restriction Requirement**

In response to the Restriction Requirement, dated September 14, 2006, Applicants provisionally elect, with traverse, Group I, directed to claims 120-143 and 198.

### **II. Species Election**

Applicants elect the following species:

- a. promoter - tissue specific promoter, which is HER-2 promoter;
- b. signal sequence - a cytokine leader sequence;
- c. test polypeptide - an epitope which induces a B cell response in a mammal;
- d. cell binding domain - a ligand which binds to a cell surface receptor, which ligand is a cytokine receptor protein cell binding domain; and
- e. expression vector integration sequence – viral long terminal repeat sequence.

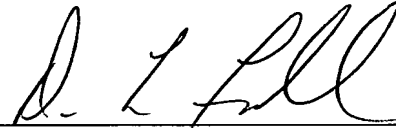
The species are readable on claims 120-135 and 198.

### **III. Conclusion**

No fees are believed due for this submission; however, should the Examiner find any fees are due, please charge such fees to Deposit Account 50-0310.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any necessary fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17, which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. L. Fanelli', written over a horizontal line.

**Dean L. Fanelli, Ph.D.**  
Registration No. 48,907

Date: December 1, 2006

**Customer Number 09629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 739-3000  
Attorney for Applicants